

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Northern Laminate Sales, Inc.

v.

Civil No. 05-cv-028-JM

Grace Electron USA Corp.

**O R D E R**

Plaintiff moves to vacate stay and to vacate arbitration award. Document no. 12.

On March 23, 2005 this case was stayed pursuant to a stipulation for arbitration filed by the parties. Document no. 11. The stay order directed the parties to file a stipulation for dismissal upon completion of the arbitration. Instead, plaintiff claims that the award should be set aside because defendant failed to provide copies of some emails which had been requested.

Defendant does not deny that a computer belonging to Mr. Wang had crashed and that a former contact in China deleted his communications when he left the company. Defense counsel has shown the retrieval efforts made and which were certified to the arbitrator.

Not only has plaintiff failed to show there were emails

intentionally deleted or not searched for, but he has failed to show that the emails ever existed and/or that they would have made a difference in the award. Plaintiff has certainly not shown any fraud.

The request to vacate is denied. The parties are directed to file the Rule 41 Stipulation within thirty (30) days or the case will be dismissed.

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: December 6, 2006

cc: Lawrence M. Edelman, Esq.  
Andrew W. Serell, Esq.